



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,792	06/30/2000	Arjun Rajagopalan	020431.0578	2259

7590 11/29/2002
Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,792

Applicant(s)

RAJAGOPALAN, ARJUN

Examiner

Naresh Vig

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4 – 10, 11 and 15 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quelene US Patent 6,453,306 in view of HomeGain.com, Inc., hereinafter known as HomeGain.

Regarding claims 1 and 11, Quenele discloses a system that permits commercial transactions over a network of computers. The network of computers supports communications between business relation data structures. The business relation data structures reflect credit relationships between two or more businesses. To perform a commercial transaction, a consumer accesses a vendor's Web site. The consumer selects an item to purchase from that Web site (selection of product). The vendor computer then generates a proposal. The proposal includes an item identifier and a price. That proposal is then propagated to all of the business relation data structures with which the vendor's business relation data structure can communicate. At each one of the recipient business relation data structures, the proposal is modified and

forwarded on to other business relation data structures. The modifications are based upon the credit relations between businesses. This modification and forwarding continues until the consumer's computer is reached with a set of proposals. The consumer then accepts a proposal that best suits her needs. This acceptance is then propagated back to the vendor computer. The vendor can then deliver the item to the consumer.

Quelene does not disclose communicating requirements to one or more providers. HomeGain discloses system and method which allows user to request bids from plurality of service estate agents (service providers) to sell the property. After completing the basic sign-up process, customer is logged into the control center. Customer can create a seller profile. Completed seller profile (requirements) are sent to real estate agents (service providers) for their review (see page 20). Therefore, it would have been obvious to a person with ordinary skill in the art to communicate requirements to one or more providers to provide information to their service providers and receive the competitive bids for their users.

Regarding claim 4, Quelene discloses that each program records the transaction. Recording the transaction involves a number of subsidiary steps. The receiving program updates past performance history and past credit history appropriately. In one embodiment, the cryptographic signature of the sender is verified before recording the transaction (col. 11, line 66 – col. 12, line 9). To perform a commercial transaction, a

consumer accesses a vendor's Web site. The consumer selects an item to purchase from that Web site. The vendor computer then generates a proposal. The proposal includes an item identifier and a price (abstract).

Regarding claim 5 – 6 and 15, Quelene discloses to use the World Wide Web (WWW) to present the items for sale. Quelene is able to use other protocols to present the items for sale such as electronic mail messages, file transfer protocol file transmissions and the like. Using commercially available browser software such as Netscape Navigator™, Quelene system sends the selection signal by transmitting the address of a link embedded in the WWW page. The address corresponds to the item the purchaser wishes to purchase. The system will then generate a proposal identifying a good for sale and the price of the good (col. 6, lines 38 – 53).

In order to present its items or services for sale, the vendor uses an application program such as a web server, an electronic storefront program, or some other program. This application program handles the basic communications with the purchaser until a proposal is requested (col. 14, lines 2 – 11).

Regarding claims 7 and 16, Quelene discloses that the consumer selects an item to purchase. The proposal includes an item identifier and a price (abstract).

Regarding claim 8 and 17, Quelene does not disclose the identification of the product to be VIN. However, it is obvious to a person with ordinary skill in the art that if the product being sold is product warranty, then the identification number of the product is noted on the warranty to identify the product when there is a claim. During the registration of a vehicle, the authority at the jurisdiction requires the VIN to identify the vehicle for which the tags are issued. Also, during a traffic violation, law enforcement officer checks the VIN of the vehicle to identify whether the tags on the vehicle belong to that vehicle. Therefore, it would have been obvious to a person with ordinary skill in the art to use VIN of the vehicle to identify the vehicle, its make, model, year of manufacture etc. to prevent the customer from filing a claim for a similar vehicle. For example, vehicle tag number as a means for identification may not work because tag numbers can be transferred to another vehicle when a person replaces a car (done in the State of Maryland).

Regarding claims 9 and 18, Quelene does not disclose communicating information to service providers for generating bids. HomeGain allows user to request bids from plurality of service estate agents (service providers) to sell the property. After completing the basic sign-up process, customer is logged into the control center. Customer can create a seller profile. Completed seller profile (requirements) are sent to real estate agents (service providers) for their review. Service Providers can view all the

Art Unit: 3629

information available about available listings. Service Providers can 'Submit A Proposal' (bid) to the seller. (see pages 20 – 27). Therefore, it would have been obvious to a person with ordinary skill in the art to save money for their customers by providing competitive bids from their service providers.

Regarding claims 10 and 19, Quelene discloses to provide proposal to purchasers. Quelene does not disclose receiving bids from service providers, providing bids to users, receiving selection from user and informing the selecting bidder. HomeGain allows user to request bids from plurality of service estate agents (service providers) to sell the property. After completing the basic sign-up process, customer is logged into the control center. Customer can create a seller profile. Completed seller profile (requirements) are sent to real estate agents (service providers) for their review. Service Providers can view all the information available about available listings. Service Providers can 'Submit A Proposal' (bid) to the seller. (see pages 20 – 27). Sellers can review proposals. HomeGain allows sellers to contact a real estate agent via e-mail so that the agent can follow up with the seller. Therefore, it would have been obvious to a person with ordinary skill in the art provide received bids to user, allow user to make selection and inform the selected service provider about customer's selection to start the dialogue between the service provider and the customer, generate revenue by concluding the deal etc.

Claims 2 – 3 and 12 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quelene US Patent 6,453,306 in view of HomeGain.com, Inc., hereinafter known as HomeGain in further view of Warranty Gold Ltd. hereinafter known as WarrantyGold.

Regarding claims 2 – 3 and 12 – 13, Quelene discloses that when a purchaser is reviewing the goods (offering by the provider) for sale, it sends a selection signal indicating an item the purchase is interested in purchasing. Quelene system will then generate a proposal identifying a good for sale and the price of the good. Quelene does not disclose to make offering based on purchasers input. WarrantyGold discloses system and method which allows customers to provide their input (pages 4, 6, 8). WarrantyGold discloses to offer plurality of warranty packages based upon customer's vehicle (pages 15 – 17). In addition, Warranty discloses to provide real time quote to the user. WarrantyGold informs users to review the quote and contact WarrantyGold. Therefore it would have been obvious to a person with ordinary skill in the art to make selection based on purchaser input to minimize the search time for the purchaser (see page 13).

Claims 1, 4 – 10, 11 and 15 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quelene US Patent 6,453,306 in view of HomeGain.com, Inc., hereinafter known as HomeGain in further view of Conklin et al. US Patent 6,141,653 hereinafter known as Conklin.

Regarding claim 14, Quelene discloses that each program records the transaction. Recording the transaction involves a number of subsidiary steps. The receiving program updates past performance history and past credit history appropriately. In one embodiment, the cryptographic signature of the sender is verified before recording the transaction (col. 11, line 66 – col. 12, line 9). To perform a commercial transaction, a consumer accesses a vendor's Web site. The consumer selects an item to purchase from that Web site. The vendor computer then generates a proposal. The proposal includes an item identifier and a price (abstract).

Quelene does not disclose database to store information. Conklin discloses a multivariate negotiations engine for iterative bargaining which: enables a sponsor to create and administer a community between participants such as buyers and sellers. The system provides secure databases, search engines, and other tools for use by the sponsor, which enable the sponsor to define the terms of community participation, establish standards, help promote the visibility of participating companies, monitor activity, collect fees, and promote successes. The system maintains internal databases that contain the history of all transactions in each community, so that sponsors, buyers and sellers may retrieve appropriate records to document each stage of interaction and

Art Unit: 3629

negotiation. Documents are created by the system during the negotiation process (abstract). Therefore, it would have been obvious to a person with ordinary skill in the art to use database to store transactions, retrieve the data, monitor activity etc.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Information on Realtor.com
2. Application Software
3. Getting A Grip On IT Assets

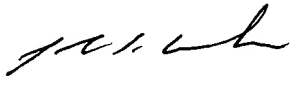
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Art Unit: 3629

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

November 25, 2002


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600